

## HB 330 -- Crime Scene Photographs and Videos

Sponsor: Guernsey

This bill requires specified crime scene photographs and video recordings, including those produced by a state or local agency or by a perpetrator or suspect at a crime scene, to be considered open records for inspection, but closed records for purposes of copying under the Open Meetings and Records Law, commonly known as the Sunshine Law. Unless dissemination is prohibited by federal law, the provisions of the bill do not prohibit disclosure of the material to specified state or local officials who need access to the photographs and video recordings in order to perform his or her duties or the deceased's next of kin, as defined in the bill, or to an individual who has secured a written release from the next of kin. Under specified situations, a circuit court judge may order the disclosure, with or without conditions, of the photographs or video recordings upon a written finding that the disclosure is in the public interest and outweighs any privacy interest that may be asserted by the deceased's next of kin.

Prior to releasing any crime scene material under these provisions, the custodian of the material must give the deceased's next of kin at least two weeks' notice, which cannot be disregarded or shortened by a court, unless the release or disclosure of information is to specified state or local officials who need access to the photographs and video recordings in order to perform his or her duties.

These provisions apply to any undisclosed material which is or comes into custody of a state or local agency and cannot apply to the disclosure of crime scene material to any counsel representing a defendant. Unless prohibited by federal law, counsel may disclose the material to his or her client and any expert or investigator assisting counsel, but cannot otherwise disseminate the material except as exhibits in court proceedings.